

***IN THE DISTRICT COURT OF THE UNITED STATES***

***for the Western District of New York***

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**NOVEMBER 2014 GRAND JURY  
(Impaneled 11/7/14)**

**THE UNITED STATES OF AMERICA**

**INDICTMENT**

**-vs-**

**Violations:**  
Title 18, United States Code,  
Sections 1349, 1029(b)(2), 1028A(a)(1)  
and 2  
(12 Counts)

**RICKY BUTLER**  
(Counts 1-12),

**RANDY JARRETT**  
(Counts 1-3),

**TERIA BAKER a/k/a Tiara Baker**  
(Count 1, 2, 4, 7, 9, 11), and

**DANIELLE HAMILTON**  
(Counts 1, 2, 5, 6, 8, 9, 10, 12)

**COUNT 1**

**(Conspiracy to Commit Bank Fraud)**

**The Grand Jury Charges That:**

1. Between in or about July 2013 and in or about January 2014, in the Western District of New York, and elsewhere, the defendants, RICKY BUTLER, RANDY JARRETT, TERIA BAKER a/k/a Tiara Baker, and DANIELLE HAMILTON, did knowingly, willfully and unlawfully combine, conspire, and agree together and with Tamika

Favors and Catherine Jarrett and others, known and unknown to the Grand Jury, to execute a scheme and artifice to defraud Citibank, JP Morgan Chase, American Express, Capital One Bank, and Bank of America, financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by and under the custody and control of such financial institutions by means of materially false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

2. In or about July 2013, defendants RICKY BUTLER and RANDY JARRETT devised a scheme and artifice to defraud financial institutions whereby credit card accounts were taken over without the true account holder's knowledge or authorization and were, thereafter, used to make unauthorized and fraudulent purchases and cash advances.

3. It was part of the scheme and artifice that defendant RICKY BUTLER fraudulently obtained personal identifying information and account access information from true account holders by calling the account holders and pretending to be a customer service or collections representative from a utility company who needed the true account holder's personal information in order to rectify some problem with the true account holder's account.

4. It was further part of the scheme and artifice that defendant RICKY BUTLER used true account holders' personal identifying information and account access information to contact the financial institutions and take over those persons' credit card accounts by using

the true account holders' personal information, including name, address, date of birth, social security number, credit card account number, credit card security code, and other security information, and falsely representing to the financial institution that serviced the credit card account that he was the true account holder and that he needed a new or replacement card to be issued.

5. It was further part of the scheme and artifice that, during the telephone calls with the financial institutions, defendant RICKY BUTLER disguised his voice or used software to digitally alter it. The defendant BUTLER also used software when calling the financial institutions to make it appear that he was calling from the same area code as the true account holder.

6. It was further part of the scheme and artifice that, in order to prevent the fraud from being discovered, defendant RICKY BUTLER contacted the true account holder's telephone service provider and had the true account holder's telephone calls forwarded to cellular telephones that defendant BUTLER controlled.

7. It was further part of the scheme and artifice that defendant RICKY BUTLER, pretending to be the true credit card account holder, instructed the financial institution to mail new or replacement credit cards to addresses in the Western District of New York, and elsewhere, which were controlled by the defendant BUTLER and defendant RANDY

JARRETT, or to which these defendants had access, and which were not the true account holder's address.

8. It was further part of the scheme and artifice that defendant RICKY BUTLER caused financial institutions to mail credit cards to the following addresses in the Western District of New York:

(a) 195 Carl Street in Buffalo, New York, a property managed by defendant RANDY JARRETT and owned by defendant RANDY JARRETT's mother, Catherine Jarrett;

(b) addresses of vacant properties immediately next to or across the street from 195 Carl Street; and

(c) addresses on Jewett Avenue in Buffalo, New York, which were in close proximity to 200 and 317 Jewett Avenue, properties which were managed by defendant RANDY JARRETT.

9. It was further part of the scheme and artifice that RICKY BUTLER, TERIA BAKER a/k/a Tiara Baker, DANIELLE HAMILTON, and others known and unknown to the Grand Jury, retrieved the credit cards that had been mailed to the addresses fraudulently provided by defendant BUTLER to financial institutions.

10. It was further part of the scheme and artifice that defendants RICKY BUTLER, RANDY JARRETT, TERIA BAKER a/k/a Tiara Baker, and DANIELLE HAMILTON

and Tamika Favors, and others known and unknown to the Grand Jury, traveled to Walmart stores and other retail establishments in the Western District of New York, and elsewhere, to make purchases with the fraudulently obtained credit cards by means of false and fraudulent pretenses and representations that they were the true account holder and by false representations and promises that the amounts of the purchases with the credit cards would be repaid to the financial institutions which issued the credit cards.

11. It was further part of the scheme and artifice that on two occasions between on or about December 13, 2013, and on or about January 12, 2014, Catherine Jarrett rented minivans for defendant RICKY BUTLER's use, knowing that defendant BUTLER would use the minivans in furtherance of the scheme and artifice.

12. It was further part of the scheme and artifice that defendant RICKY BUTLER determined which retail establishments to use the fraudulently obtained credit cards; instructed defendants TERIA BAKER a/k/a Tiara Baker and DANIELLE HAMILTON and Tamika Favors, and others known and unknown to the Grand Jury, to use the fraudulently obtained credit cards to purchase store gift cards and other items at these retail establishments; and required that the fraudulently obtained credit cards used to purchase the gift cards and other items, and the gift cards, be immediately provided to him after the credit cards were used.

13. It was further part of the scheme and artifice to defraud that, during purchases made with the fraudulently obtained credit cards, defendants TERIA BAKER a/k/a Tiara Baker and DANIELLE HAMILTON and Tamika Favors, and others known and unknown to the Grand Jury, forged the true account holder's name or the name of a fraudulently added authorized user on sales receipts.

14. It was further part of the scheme and artifice that defendant RICKY BUTLER distributed the fraudulently obtained store gift cards to defendant RANDY JARRETT and Catherine Jarrett, and others unknown to the Grand Jury, to be sold.

15. It was further part of the scheme and artifice that defendant RANDY JARRETT and Catherine Jarrett, knowing that the gift cards had been purchased with fraudulently obtained credit cards, sold the gift cards to others unknown to the Grand Jury and provided the proceeds of the sales to defendant RICKY BUTLER in cash.

16. It was further part of the scheme and artifice that defendant RICKY BUTLER used fraudulently obtained credit cards to make cash advances from ATMs.

17. It was further part of the scheme and artifice that, on or about the dates set forth below, the credit card accounts with Citibank in the names of the account holders set forth below, persons known to the Grand Jury, were taken over and used to make fraudulent purchases at retail establishments in the Western District of New York, and elsewhere:

Date of Credit Card Takeover	Date(s) of Credit Card Use	Last 4 Digits of Account Number	Initials of True Account Holder
8/13/13	8/14/13	3507	Y.K.K.
9/24/13	12/16/13	7590	S.M.K.
10/2/13	10/2/13	6251	M.M.K.
Unknown	10/5/13 to 10/7/13	6857	G.C.W.
Unknown	10/16/13	9128	S.E.S.
10/25/13	10/26/13 to 10/27/13	2737	H.N.W.
11/7/13	11/8/13 to 11/9/13	1978	P.M.H.
12/12/13	12/13/13 to 12/15/13	0074	H.M.H.
12/12/13	12/13/13 to 12/16/13	7598	H.M.H.
12/9/13	12/18/13 to 12/19/13	4678	F.H.W.
12/19/13	12/20/13	9851	A.Y.T.
12/30/13	1/2/14 to 1/4/14	0682	B.E.M.

18. It was further part of the scheme and artifice that, on or about the dates set forth below, the credit card accounts with JP Morgan Chase in the names of the account holders set forth below, persons known to the Grand Jury, were taken over and used to make fraudulent purchases at retail establishments in the Western District of New York, and elsewhere:

Date of Credit Card Takeover	Date(s) of Credit Card Use	Last 4 Digits of Account Number	Initials of True Account Holder
Unknown	9/3/13 to 9/5/13	2410	L.C.C.
Unknown	9/5/13 to 9/12/13	2367	L.C.C.
Unknown	9/8/13	2474	Y.J.C.
Unknown	9/27/13	7236	S.J.K.
9/29/13	9/29/13 to 10/2/13	8108	S.I.K.
Unknown	10/19/13	6150	S.E.S.
Unknown	11/8/13	3501	P.M.H.
Unknown	11/8/13	0864	P.M.H.
11/1/13	11/20/13 to 11/21/13	1092	L.Y.C.
Unknown	11/22/13 to 11/23/13	5687	Y.J.L.

Date of Credit Card Takeover	Date(s) of Credit Card Use	Last 4 Digits of Account Number	Initials of True Account Holder
Unknown	11/22/13 to 11/23/13	5648	Y.J.L.
Unknown	11/25/13 to 11/27/13	2815	V.V.T.
12/1/13	12/3/13	6713	V.V.T.
12/2/13	12/3/13	4346	V.V.T.
12/2/13	12/3/13 to 12/5/13	9679	R.K.G.
12/12/13	12/14/13 to 12/16/13	9989	H.M.H.
Unknown	12/17/13	3218	H.M.H.
11/12/13	12/24/13	8408	A.J.O.
12/30/13	12/31/13	0635	B.E.M.
12/30/13	12/31/13	5490	B.E.M.
12/30/13	12/31/13	8329	B.E.M.
1/6/14	1/8/14	8763	J.B.S.
1/6/14	1/8/14	0441	J.B.S.
1/7/14	1/8/14 to 1/10/14	5426	J.J.H.
1/9/14	1/11/14 to 1/13/14	3084	I.S.A.
1/16/14	1/17/14	3517	Y.S.L.
1/22/14	1/23/14	8662	H.H.H.
1/22/14	1/23/14	3953	H.H.H.

19. It was further part of the scheme and artifice that, on or about the dates set forth below, the credit card accounts with American Express in the names of the account holders set forth below, persons known to the Grand Jury, were taken over and used to make fraudulent purchases at retail establishments in the Western District of New York, and elsewhere:

Date of Credit Card Takeover	Date(s) of Credit Card Use	Last 6 Digits of Account Number	Initials of True Account Holder
9/12/13	9/14/13	931000	J.C.Y.
9/14/13	9/17/13	842003	B.A.P.
9/16/13	9/17/13	502005	B.A.P.
9/24/13	9/25/13 to 9/27/13	782007	S.M.K.
10/8/13	10/9/13 to 10/10/13	372011	G.C.W.



Date of Credit Card Takeover	Date(s) of Credit Card Use	Last 6 Digits of Account Number	Initials of True Account Holder
10/16/13	10/17/13 to 10/18/13	002006	S.E.S.
10/16/13	10/20/13	672002	K.J.S.

20. It was further part of the scheme and artifice that, on or about the date set forth below, the credit card account with Capital One Bank in the name of the account holder set forth below, a person known to the Grand Jury, was taken over and used to make a fraudulent purchase at a retail establishment in the Western District of New York:

Date of Credit Card Takeover	Date of Credit Card Use	Last 4 Digits of Account Number	Initials of True Account Holder
9/30/13	10/12/13	7832	S.M.K.

21. It was further part of the scheme and artifice that, on or about the dates set forth below, the credit card accounts with Bank of America in the names of the account holders set forth below, persons known to the Grand Jury, were taken over and used to make fraudulent purchases at retail establishments in the Western District of New York, and elsewhere:

Date of Credit Card Takeover	Date(s) of Credit Card Use	Last 4 Digits of Account Number	Initials of True Account Holder
Unknown	9/5/13 to 9/8/13	3345	G.E.W.
Unknown	10/18/13 to 10/19/13	8339	S.E.S.
Unknown	10/18/13 to 10/21/13	3646	S.E.S.
Unknown	10/19/13 to 10/21/13	1881	S.E.S.
12/30/13	12/31/13 to 1/2/14	6729	B.E.M.

**All in violation of Title 18, United States Code, Section 1349.**

**COUNT 2**

**(Conspiracy to Commit Access Device Fraud)**

**The Grand Jury Further Charges That:**

1. The allegations of Count 1 are hereby realleged and incorporated by reference as though fully set forth herein.

2. Between in or about July 2013 and in or about January 2014, in the Western District of New York, and elsewhere, the defendants, RICKY BUTLER, RANDY JARRETT, TERIA BAKER a/k/a Tiara Baker, and DANIELLE HAMILTON, did knowingly, willfully and unlawfully combine, conspire, and agree together and with Tamika Favors and Catherine Jarrett and others, known and unknown to the Grand Jury, knowingly and with intent to defraud, to traffic and use one or more unauthorized access devices, that is, credit cards obtained with intent to defraud, and by such conduct, during a one-year period, to obtain things of value aggregating \$1,000 or more, such conduct affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(2) and 1029(c)(1)(A)(i).

**MANNER AND MEANS**

3. It was part of the conspiracy that, during the relevant time period, defendant RICKY BUTLER fraudulently obtained approximately 41 access devices, namely credit cards, without the knowledge or authorization of the true account holders.

4. It was further part of the conspiracy that, during the relevant time period, without the knowledge or authorization of the true account holders, the defendants RICKY BUTLER, RANDY JARRETT, TERIA BAKER a/k/a Tiara Baker, and DANIELLE HAMILTON, and Tamika Favors used the unauthorized access devices to obtain things of value aggregating \$1,000 or more, namely, merchandise and gift cards from various Walmart locations and other retail establishments in the Western District of New York and elsewhere.

#### **CONDUCT IN FURTHERANCE OF CONSPIRACY**

5. Between on or about the dates set forth below, one or more of the parties to the conspiracy engaged in conduct in furtherance of this offense, that is, the use of the unauthorized access devices set forth below to obtain things of value aggregating \$1,000 or more as set forth below:

Date(s) of Use	Unauthorized Access Device	Value Obtained	Conspirators
8/14/13	Citibank Credit Card ending in 3507	\$8,314.35	RICKY BUTLER RANDY JARRETT Tamika Favors
10/12/13	Capital One Credit Card ending in 7832	\$11,148.30	RICKY BUTLER TERIA BAKER
10/18/13 to 10/21/13	Bank of America Credit Card ending in 3646	\$13,633.18	RICKY BUTLER DANIELLE HAMILTON
10/20/13	American Express Credit Card ending in 672002	\$6,714.68	RICKY BUTLER DANIELLE HAMILTON
12/3/13	JP Morgan Chase Credit Card ending in 6713	\$7,000.00	RICKY BUTLER TERIA BAKER

Date(s) of Use	Unauthorized Access Device	Value Obtained	Conspirators
12/3/13	JP Morgan Chase Credit Card ending in 4346	\$14,176.01	RICKY BUTLER DANIELLE HAMILTON
12/3/13 to 12/5/13	JP Morgan Chase Credit Card ending in 9679	\$86,007.49	RICKY BUTLER TERIA BAKER DANIELLE HAMILTON
12/13/13 to 12/16/13	Citibank Credit Card ending in 7598	\$115,658.28	RICKY BUTLER DANIELLE HAMILTON
12/20/13	Citibank Credit Card ending in 9851	\$4,617.70	RICKY BUTLER TERIA BAKER
12/31/13 to 1/2/14	Bank of America Credit Card ending in 6729	\$62,905.71	RICKY BUTLER DANIELLE HAMILTON

**All in violation of Title 18, United States Code, Section 1029(b)(2).**

**COUNTS 3 THROUGH 12**

**(Aggravated Identity Theft)**

**The Grand Jury Further Charges That:**

1. The allegations of Counts 1 and 2 are hereby realleged and incorporated by reference as though fully set forth herein.

2. Between in or about July 2013 and in or about January 2014, in the Western District of New York, and elsewhere, the defendants, RICKY BUTLER, RANDY JARRETT, TERIA BAKER a/k/a Tiara Baker, and DANIELLE HAMILTON, did knowingly transfer, possess, and use, without lawful authority, means of identification, that

is, credit card account numbers and names of other persons, persons known to the Grand Jury, as set forth below, during and in relation to felony violations enumerated in Title 18, United States Code, Section 1028A(c), that is, violations of Title 18, United States Code, Sections 1349 and 1029(b)(2), committed in the manner set forth in Counts 1 and 2 of this Indictment:

Count	Defendant	Account Number	Name
3	RICKY BUTLER RANDY JARRETT	Citibank Credit Card ending in 3507	Y.K.K.
4	RICKY BUTLER TERIA BAKER	Capital One Credit Card ending in 7832	S.M.K.
5	RICKY BUTLER DANIELLE HAMILTON	Bank of America Credit Card ending in 3646	S.E.S.
6	RICKY BUTLER DANIELLE HAMILTON	American Express Credit Card ending in 672002	K.J.S.
7	RICKY BUTLER TERIA BAKER	JP Morgan Chase Credit Card ending in 6713	V.V.T.
8	RICKY BUTLER DANIELLE HAMILTON	JP Morgan Chase Credit Card ending in 4346	V.V.T
9	RICKY BUTLER TERIA BAKER DANIELLE HAMILTON	JP Morgan Chase Credit Card ending in 9679	R.K.G.
10	RICKY BUTLER DANIELLE HAMILTON	Citibank Credit Card ending in 7598	H.M.H.
11	RICKY BUTLER TERIA BAKER	Citibank Credit Card ending in 9851	A.Y.T.
12	RICKY BUTLER DANIELLE HAMILTON	Bank of America Credit Card ending in 6729	B.E.M.

**All in violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.**

**DATED:** Buffalo, New York, May 27, 2015.

WILLIAM J. HOCHUL, JR.  
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A TRUE BILL:

S/FOREPERSON